

### **REMARKS**

Applicants respectfully request reconsideration of the present application. Claims 1 - 4, 6 - 8, 11, 20, 21, 34 and 40 have been amended. Claims 5, 9, 10, 18, 19, 24, 28 to 33 and 39 have been cancelled. No new matter has been added.

#### **Rejections under 35 U.S.C. §101**

Claims 1 - 10 and 20 - 28 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants have amended independent claims 1, 20 and 21 in response to this rejection. For example, claim 1 now requires “[o]ne or more tangible computer-readable storage media having embodied thereon a computer program configured to, when executed by a processor, present stored data.” Similar preambles are now presented by amended claims 20 and 21. Given the present claim amendments, Applicants respectfully submit that claims 1 - 10 and 20 - 28 are now directed to statutory subject matter, and Applicants respectfully request withdrawal of the present rejections under 35 U.S.C. §101.

#### **Rejections under 35 U.S.C. §103**

Claims 1 - 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hahn, *et al.*, U. S. Patent No. 5,751,287 (“Hahn”) in view of Straub, *et al.*, U.S. Patent No. 5,905,492 (“Straub”). Applicants have amended independent claims 1, 11, 20, 21, 34 and 40 in response to this rejection. The Office Action states, “The Examiner recommends that the Applicant clarify the claim language to clearly explain how the query is being used and how it is generated.” Office Action, p. 14. In accordance with this recommendation, Applicants have amended the claims to further describe the claimed query. For instance, claim 1 now requires that the “query is formatted to be executed by a database engine” and the shell browser is configured to “select items having one or more desired field entries from said data store by

executing said query by said database engine.” Claims 11, 20, 21, 34 and 40, as amended, now include similar claim language. Applicants respectfully submit that neither Hahn nor Straub, either alone or in combination, teaches these claim elements.

To teach the claimed querying, the Office Action relies on Straub. *See, e.g.*, Office Action, page 4. Straub addresses “themes” that may be applied to a user interface, i.e., the desktop screen. A theme provides a group of multi-media resources for enhancing displays in a graphical user interface to an operating system of a computer according to a topic of the theme. When utilizing Straub’s invention, the “theme’s resources are periodically updated by retrieving updating resources from a remote computer at which the updating resources are stored by a theme provider, so as to provide continually updating enhancements to the graphical user interface display consistent with the theme’s topic.” Straub, Abstract. As such, Straub’s invention allows “customization of and integration of multimedia resources into a graphical user interface of an operating system of a computer, and more particularly . . . [allows] integration of themed multimedia resources into the graphical user interface.” Straub, Field of Invention.

The Office Action states, “Straub does teach data/query that identifies the characteristics of those items (folder contents) to be displayed with a themed-view.” Office Action, 13 – 14. Though Applicants contend the “data” for identifying folder contents taught by Straub is not properly considered a “query,” in the interest of furthering prosecution, Applicants have amended the claims to further specify the format of the claimed query and to require execution of the query, e.g., by a database engine. Notably, Straub is devoid of any discussion of a query that is formatted to be executed by a database engine. Rather, Straub applies its themed-views in the environment provided by a traditional file-based organization of items, as provided by the Microsoft Windows 95 operating system. As is well-known, the

folders of Microsoft Windows 95 operating system are created with static associations between files and folders. Put simply, Straub does not teach the use of a database or employing database queries to define the contents of the themed-folders displayed to the user. Indeed, Straub is concerned with providing themed-views to be used by an operating system, not manipulating the manner in which the operating system actually selects displayed items.

In contrast, the independent claims require a “query [that] is formatted to be executed by a database engine” and a shell browser that is configured to “select items having one or more desired field entries from said data store by executing said query by said database engine.” Neither reference teaches this aspect of the claimed invention. While the Present Specification is replete with discussion of database technology and database engines, Straub and Hahn address traditional file systems, such as Windows 95 and Macintosh. *See* Straub, col. 2, l. 8 and Hahn, col. 1, ll. 24 - 25. Clearly, these references fail to teach the database querying now recited by the claims. Accordingly, Applicants respectfully submit that independent claims 1, 11, 20, 21, 34 and 40 are now in condition for allowance.

Furthermore, Applicants submit that dependent claims 2 – 4 and 6 - 8, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1. Applicants also submit that dependent claims 12 - 17, which depend from claim 11, are in condition for allowance for at least the same reasons discussed above with respect to claim 11. Furthermore, Applicants submit that dependent claims 22 - 27, which depend from claim 21, are in condition for allowance for at least the same reasons discussed above with respect to claim 21. Applicants submit that dependent claims 35 - 38, which depend from claim 34, are in condition for allowance for at least the same reasons discussed above with respect to claim 34. Finally, Applicants submit that dependent claims 41 -

44, which depend from claim 40, are in condition for allowance for at least the same reasons discussed above with respect to claim 40.

**CONCLUSION**

If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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